

PATENT
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<u>Sandra Graves</u> Printed name of person mailing correspondence	<u>Sandra Graves</u> Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph A. Nixon et al.	Art Unit: 1632
Serial No.: 09/560,124	Examiner: Baker, A.
Filed: April 28, 2000	Customer No.: 21559
Title: METHODS FOR THE IDENTIFICATION OF COMPOUNDS FOR THE TREATMENT OF ALZHEIMER'S DISEASE	

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY TO RESTRICTION REQUIREMENT

In reply to the Examiners' action mailed July 5, 2001, Applicants elect Group II, claims 16-31 and 35. This election is made with traverse.

Applicants respectfully traverse the restriction of claims 16-31 and 35 into Group I, Group II, and Group III, drawn to transgenic mice and cells expressing rab5, 46 kDa mannose 6-phosphate receptor, and cathepsin D, respectively.

According to the Examiner, Groups I, II, and III are patentably distinct because "the inventions are drawn to distinct methods requiring the use of distinct animals for the screening of compounds...[and] the animals are not obvious variants." Applicants note that even if the claims were distinct, that in itself does not satisfy the requirements for a restriction. To support a restriction between patentably distinct inventions, an Examiner must show (1) the inventions are

distinct; and (2) there is a serious burden on the Examiner. M.P.E.P. § 803. A serious burden may be shown "if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined by M.P.E.P. § 808.02." The Examiner contends that the three groups have acquired separate status in the art "as shown by their different classification and recognized divergent subject matter..." and that a separate search for each invention would be required. In the present case, however, Groups I, II, and III share classification (class 800, subclass 18). Regarding the "recognized divergent subject matter," the Examiner has not provided support of a separate status in the art or a different field of search as is required by M.P.E.P. § 808.02.

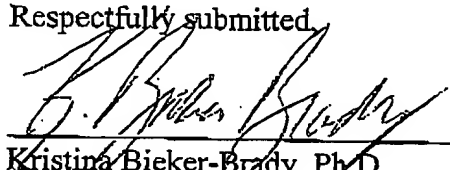
In light of the above arguments, Applicants respectfully request that the restriction of claims 16-31 and 35 into Groups I, II, and II be withdrawn, and claims 16-31 and 35 be examined in the form in which they were filed.

Should the Examiner choose to maintain the restriction requirement, the undersigned kindly requests a telephonic interview. If there are any charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

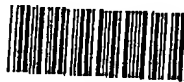
Date:

November 5, 2001


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